

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LEAGUE OF WOMEN VOTERS
OF MICHIGAN, et al.,

Plaintiffs,

v.

RUTH JOHNSON, in her official
capacity as Michigan
Secretary of State, et al.

Defendants.

Case No. 2:17-cv-14148

Hon. Eric L. Clay
Hon. Denise Page Hood
Hon Gordon J. Quist

**DECLARATION OF
JEFFREY TIMMER**

_____/

I, Jeffrey Timmer, declare under penalty of perjury and pursuant to 28 U.S.C. § 1746, as follows:

1. I am over 18 years of age and am competent to testify.
2. I have personal knowledge of the matters set forth below.
3. I am currently a Senior Counselor at the Sterling Corporation in Lansing, Michigan. Sterling Corporation is a public affairs, political, and fundraising consulting firm.
4. I was first hired by the Michigan Legislature in 1991 as a special assistant to the House Republican leader. Since then, I have worked in the Michigan Senate as deputy communications director, as political director for the Senate Republican Campaign Committee, and I have been a private sector public affairs and campaign consultant. Among other roles, I was previously appointed by Governor Granholm and served several years on the Michigan Board of State Canvassers.
5. I was previously a member of the National Conference of State Legislatures (“NCSL”) Redistricting Task Force from 1991 to 2001. The task force advised NCSL’s Redistricting and Elections Standing Committee, which in turn focused on redistricting, election law, and campaign finance regulation.

6. On behalf of the Republican Caucuses in the Michigan House and Senate, I was engaged in the drafting of districting plans for consideration by the Michigan Legislature after the decennial census was released in March 2011. I had previously served as a map drawer and was involved in that capacity in the drafting of Michigan's redistricting plans in 1991 and 2001.

7. Michigan's traditional redistricting criteria, referred to as the "Apol Criteria" after the former director of elections Bernard J. Apol, have been codified at Mich. Comp. Laws § 3.63 and § 4.261.

8. As a result of my experience across three cycles of redistricting, I am intimately familiar with the application of the Apol Criteria for State House and Senate redistricting. I am also familiar with and have applied the Apol Criteria for the drawing of districts for the United States House of Representatives, and have personally applied those Criteria in the development of the Legislature's redistricting plans during the last three redistricting cycles.

9. At the Secretary's request, I reviewed the June 1, 2018 report of Dr. Jowei Chen.

10. Dr. Chen's description in his report (at pages 61-63) of Michigan's traditional redistricting Criteria do not match the Apol Criteria as I understand them and as I have applied them (including in 2011). In particular, Dr. Chen did not appear to follow the Apol Criterion that, if county lines must be broken to achieve equal population, the fewest whole cities or townships shall be shifted, and in choosing between two cities or townships to shift, the city or township with lesser population shall be shifted. This Criterion has been codified at Mich. Comp. Laws § 4.261(f).

11. Similarly, Dr. Chen stated that he sought to maximize compactness in all cases, whereas the Apol Criteria only require compactness to be maximized when more than one district is drawn within a single municipality. This has been codified at Mich. Comp. Laws § 3.63(c) and § 4.61(i).

12. Dr. Chen includes a table at page 15 of his report that summarizes the results of his simulation exercise for the Michigan Congressional plan. In this table, Dr. Chen reports that all 1,000 of his simulations had exactly 10 county breaks and 9 or 10 minor civil division (MCD) splits (excluding splits in the City of Detroit). He also reports that none of his simulated plans, using 2006-2010 statewide election results, would elect 9 Republicans and 5 Democrats. He claims that 227 of his simulated plans would have elected 6 Republicans and 8 Democrats, 453 of his

simulated plans would have elected 7 Republicans and 7 Democrats, and 320 of his simulated plans would have elected 8 Republicans and 6 Democrats.

13. Dr. Chen claims at page 13 of his report that his simulation “strictly follows the five non-partisan redistricting guidelines” which he details at pages 61-63 of his report. He claims at page 2 of his report that his simulation process is “non-partisan” and that his simulations “are programmed to optimize districts with respect to various traditional districting goals.” At page 3 of his report, he states that “each of the three enacted plans creates more Republican districts than every single one of the 1,000 computer-simulated districting plans created for Michigan’s House, Senate, and Congressional delegation.”

14. The Secretary requested that I attempt to test whether following Dr. Chen’s criteria necessarily precluded the possibility of a plan creating as many (i.e., 9) or more (i.e., 10+) Republican districts as appear in the Enacted Plan. That is, she requested that I attempt to follow Dr. Chen’s stated criteria (at pages 61-63 of his report) and to see whether it is possible to draft a plan that, using the same historical data as Dr. Chen, would elect 9 or more Republicans while also matching or doing better in satisfying Dr. Chen’s version of Michigan’s redistricting criteria.

15. The Secretary’s counsel advised that the purpose of this exercise was to determine whether Dr. Chen’s described computer simulation exercise, following Dr. Chen’s stated criteria, should have been capable of producing a plan with similar outcomes to the Enacted Plan.

16. I was able to do so in the plan attached as Exhibit A (the “Timmer Plan”), which plan I discovered through trial and error drafting (that is, without the aid of simulation software) on December 3, 2018.

17. Using all statewide elections from 2006 to 2010, which measure is used by Dr. Chen at page 15 of his report, the Timmer Plan would elect 10 Republicans (in Congressional Districts 1, 2, 3, 4, 6, 7, 8, 9, 10, and 11) and 4 Democrats (in Congressional Districts 6, 12, 13, and 14).

18. The Timmer Plan has 10 county breaks, which is the same number Dr. Chen reports for all 1,000 of his simulated Congressional plans (at page 15 of his report). These 10 county breaks in the Timmer Plan are shown in the attached Exhibit A, and include the following:

- Clare
- Kent

- Kalamazoo
- Genesee
- Saginaw CD07
- Saginaw CD04
- Wayne CD08
- Oakland CD12
- Oakland CD14
- Macomb CD09

19. The Timmer Plan has nine MCD splits, *including* splits in the City of Detroit. Dr. Chen reports (at page 15) that, *excluding* splits in the City of Detroit, most of his simulations have 10 MCD splits. The nine MCD splits in the Timmer Plan include the following:

- Climax Township (Kalamazoo County)
- Thomas Township (Saginaw County)
- Saginaw Township (Saginaw County)
- Novi (Oakland County)
- Wixom (Oakland County)
- West Bloomfield Township (Oakland County)
- Warren (Macomb County)
- Dearborn Heights (Wayne County)
- Detroit (Wayne County)

20. Dr. Chen excluded City of Detroit splits in reporting his MCD totals. If the single City of Detroit split in the Timmer Plan (as noted above) is excluded from the MCD split total, the Timmer Plan has 8 MCD splits, and for that reason, *better* satisfies Dr. Chen's version of Michigan's traditional redistricting criteria than any of Dr. Chen's own simulations.

21. The Timmer Plan is comparably compact to Dr. Chen's simulations. In comparing the first five sequentially numbered plans in Dr. Chen's simulation bank against the Timmer Plan using the Reock tool, Dr. Chen's simulations average a Reock score of 26.9%; the Timmer Plan scores just slightly worse, at 25.6%. (As noted above, compactness is not actually an Apol Criterion for Congressional plans, except in multi-district municipalities.)

22. I have provided to the Secretary's counsel shape files for the Timmer Plan for the purpose of sharing those shape files with Plaintiffs' counsel.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Jeffrey Timmer

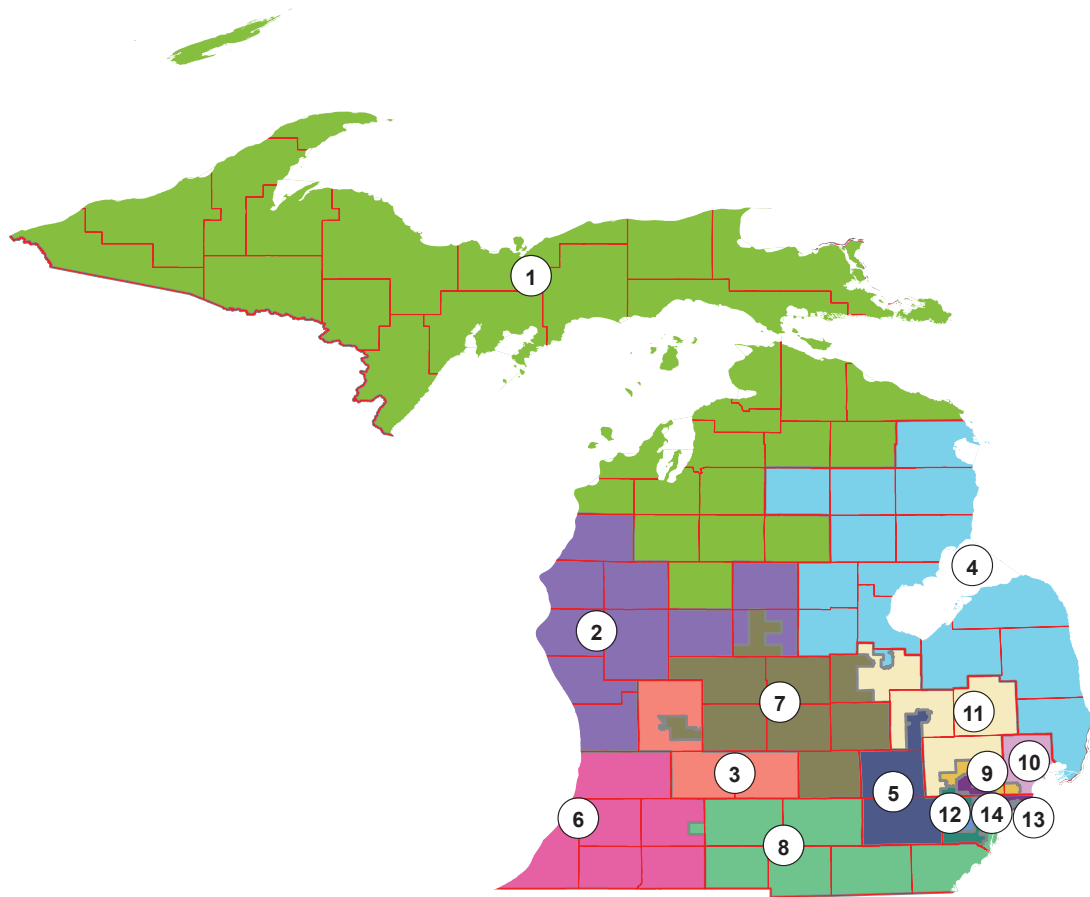
12/04/2018

Dated

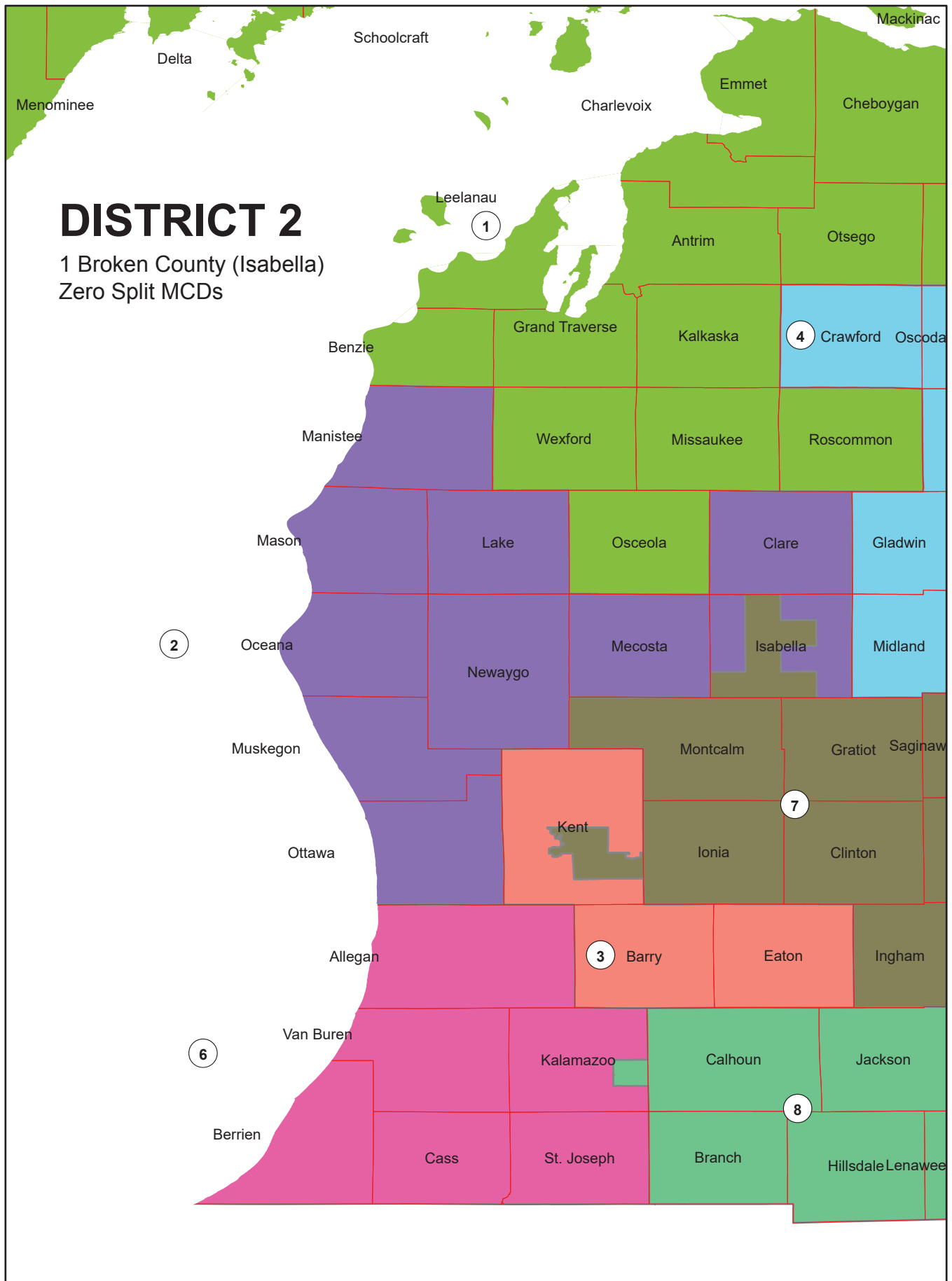
EXHIBIT A

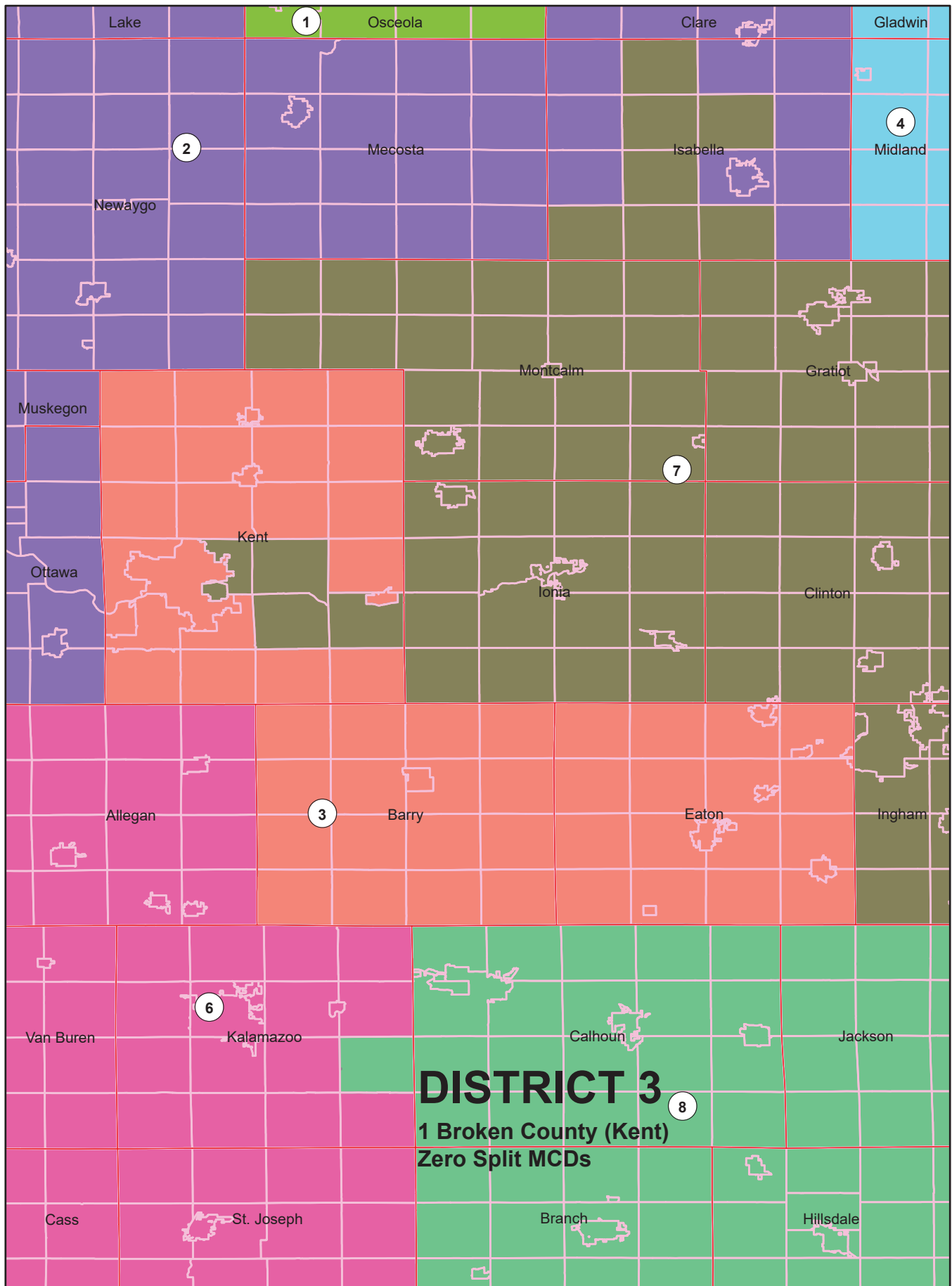
DISTRICT 1

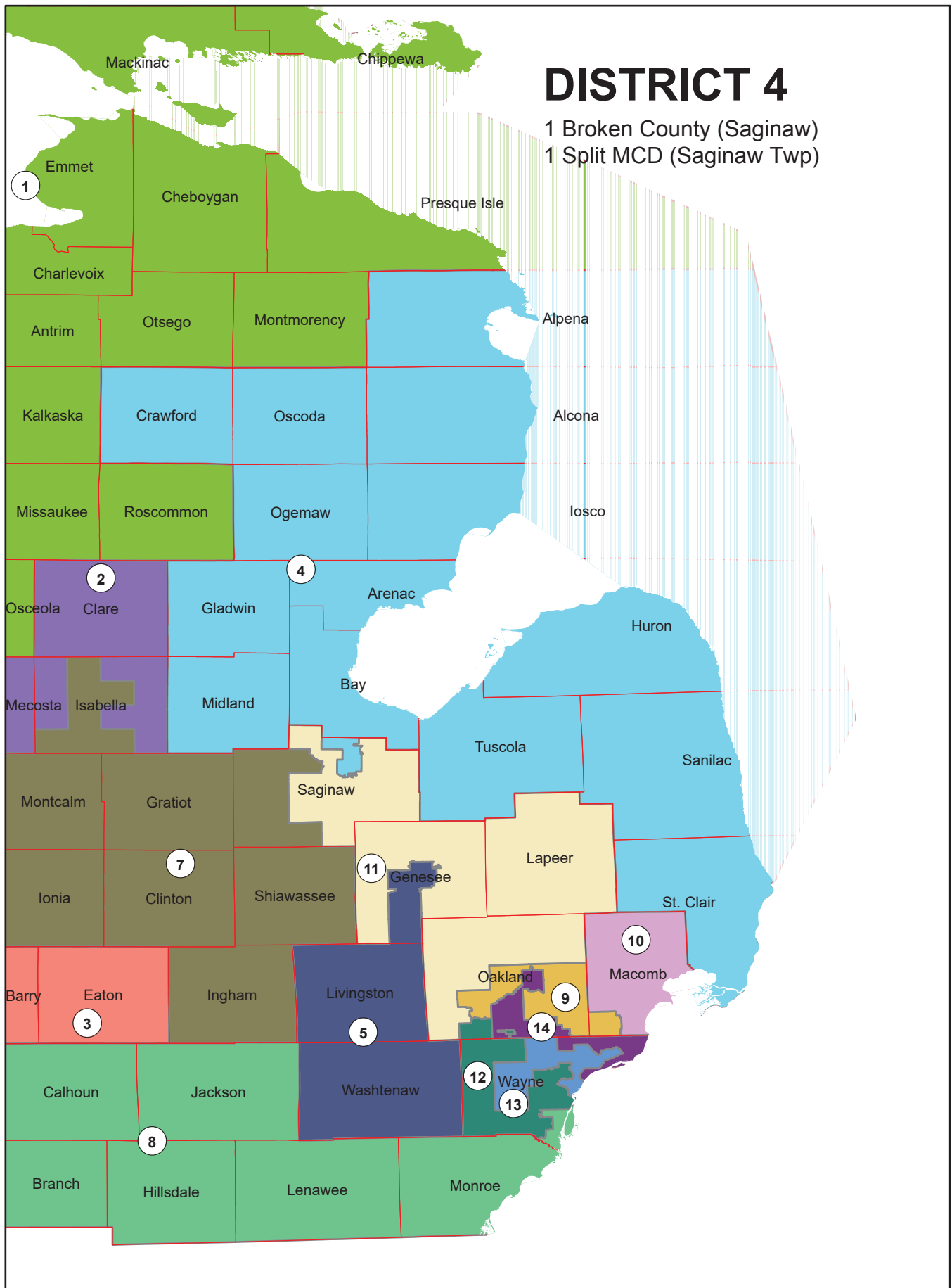
Zero Broken Counties
Zero Split MCDs



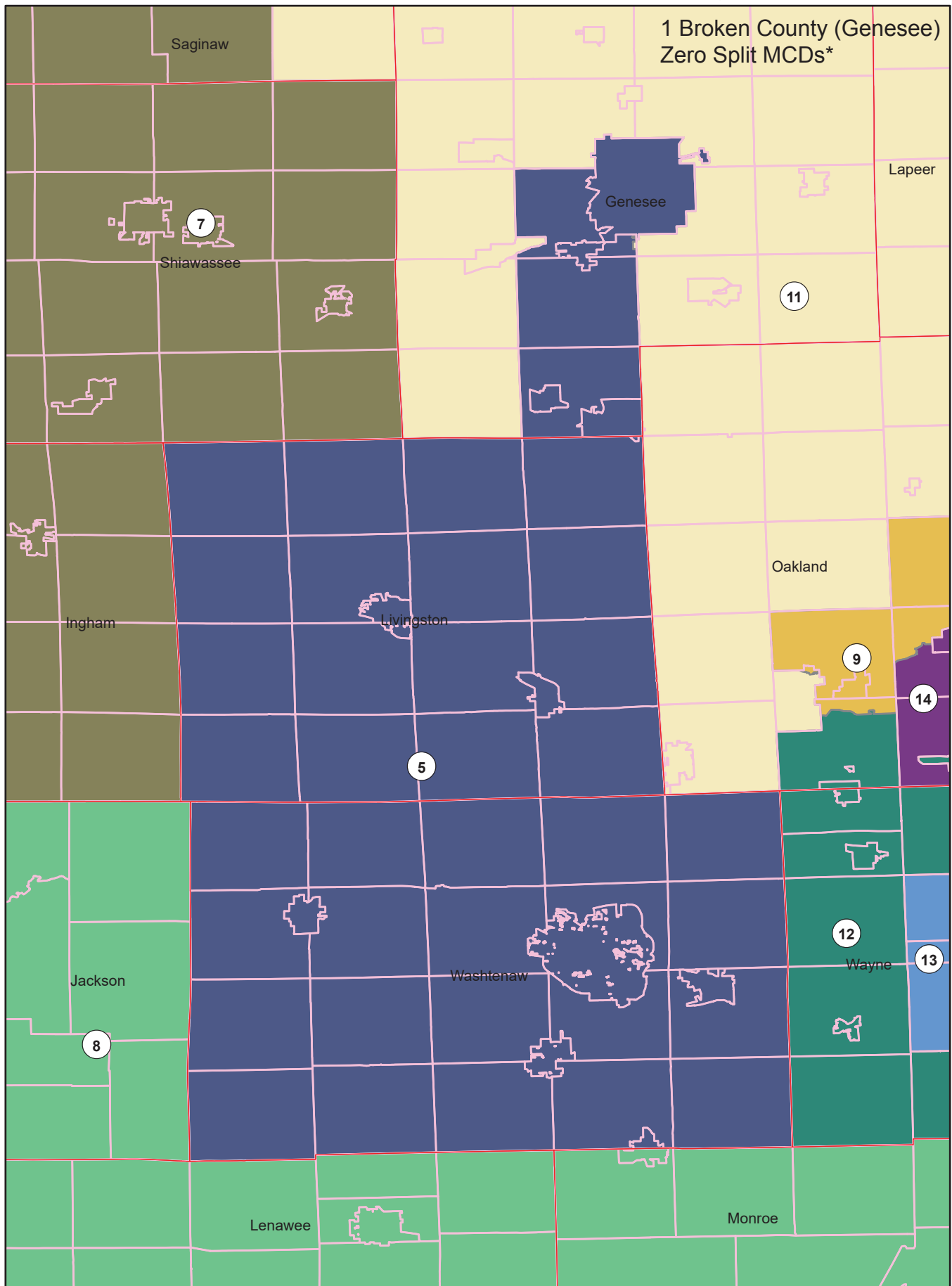
* Indicates district contains discontinuous portions of a township not counted as a split MCD

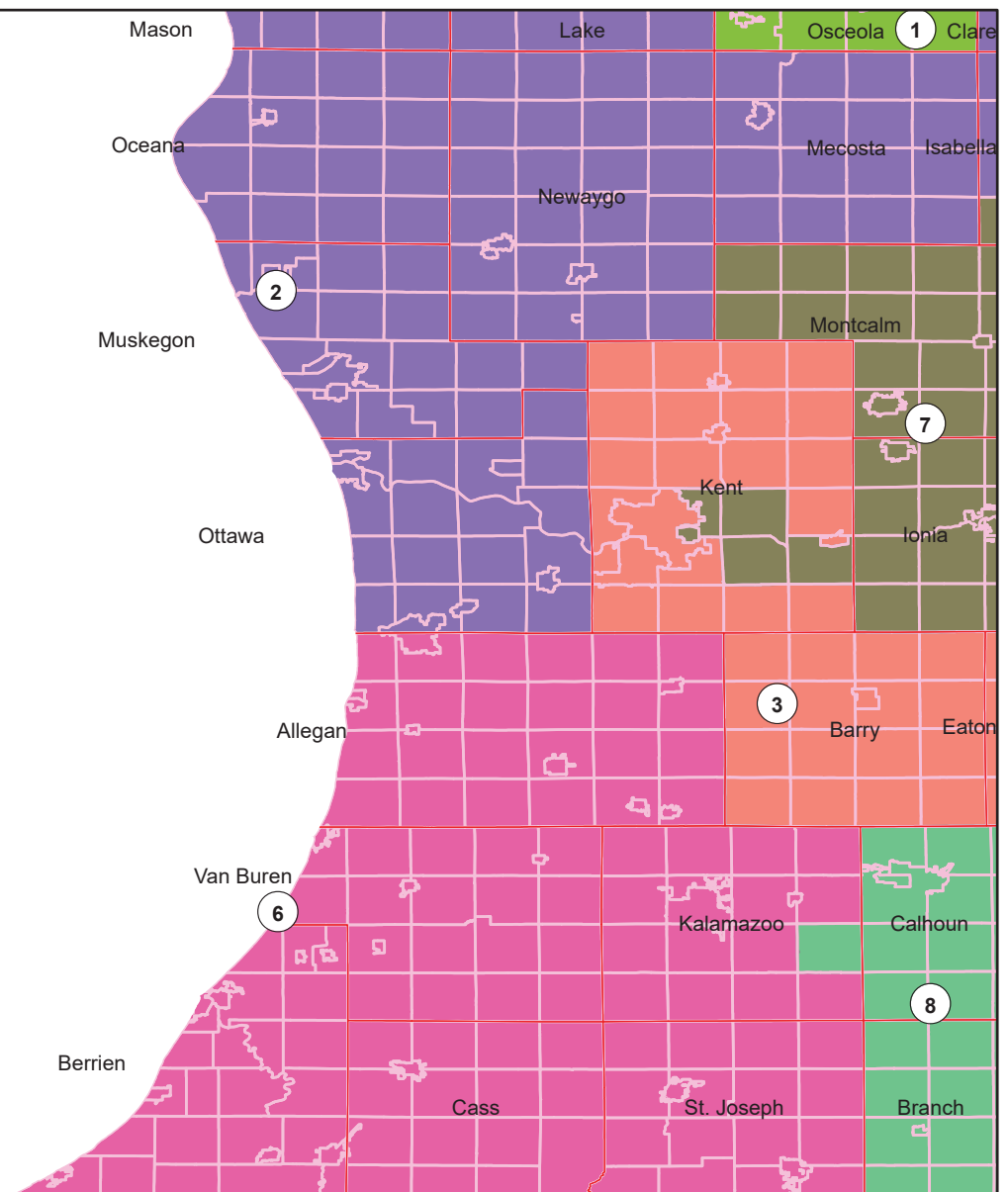






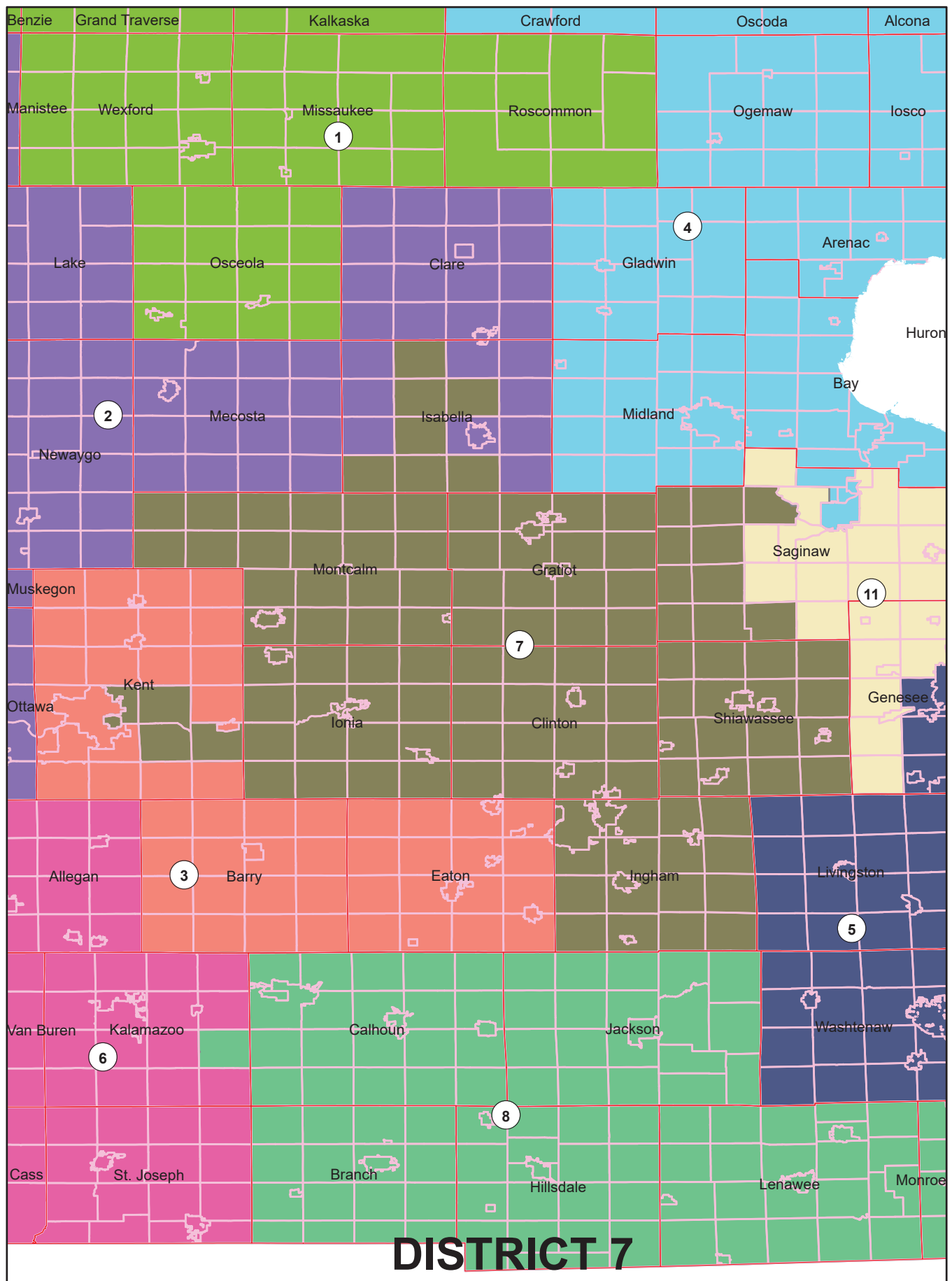
DISTRICT 5



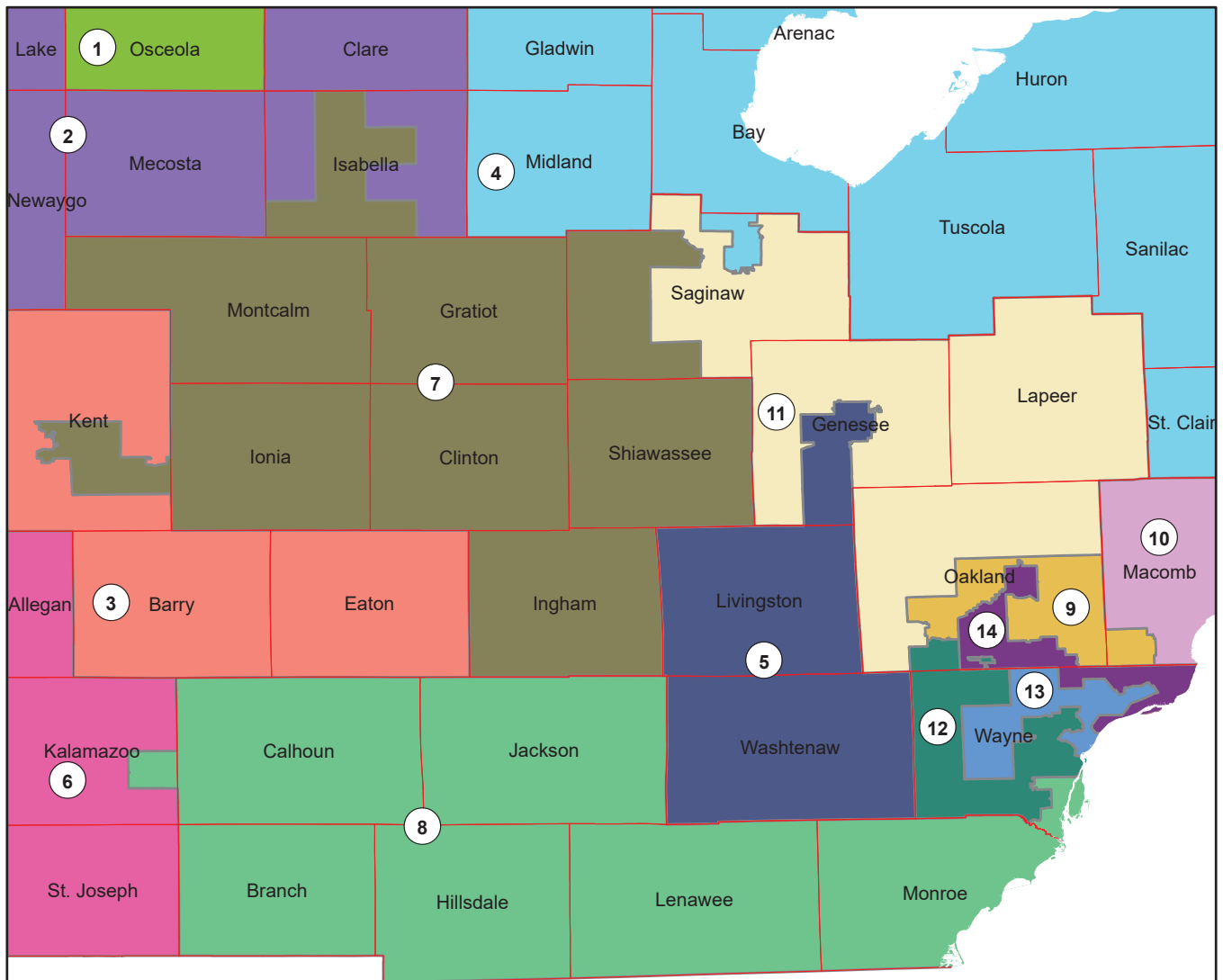


DISTRICT 6

1 Broken County (Kalamazoo)
1 Split MCD (Climax Township)

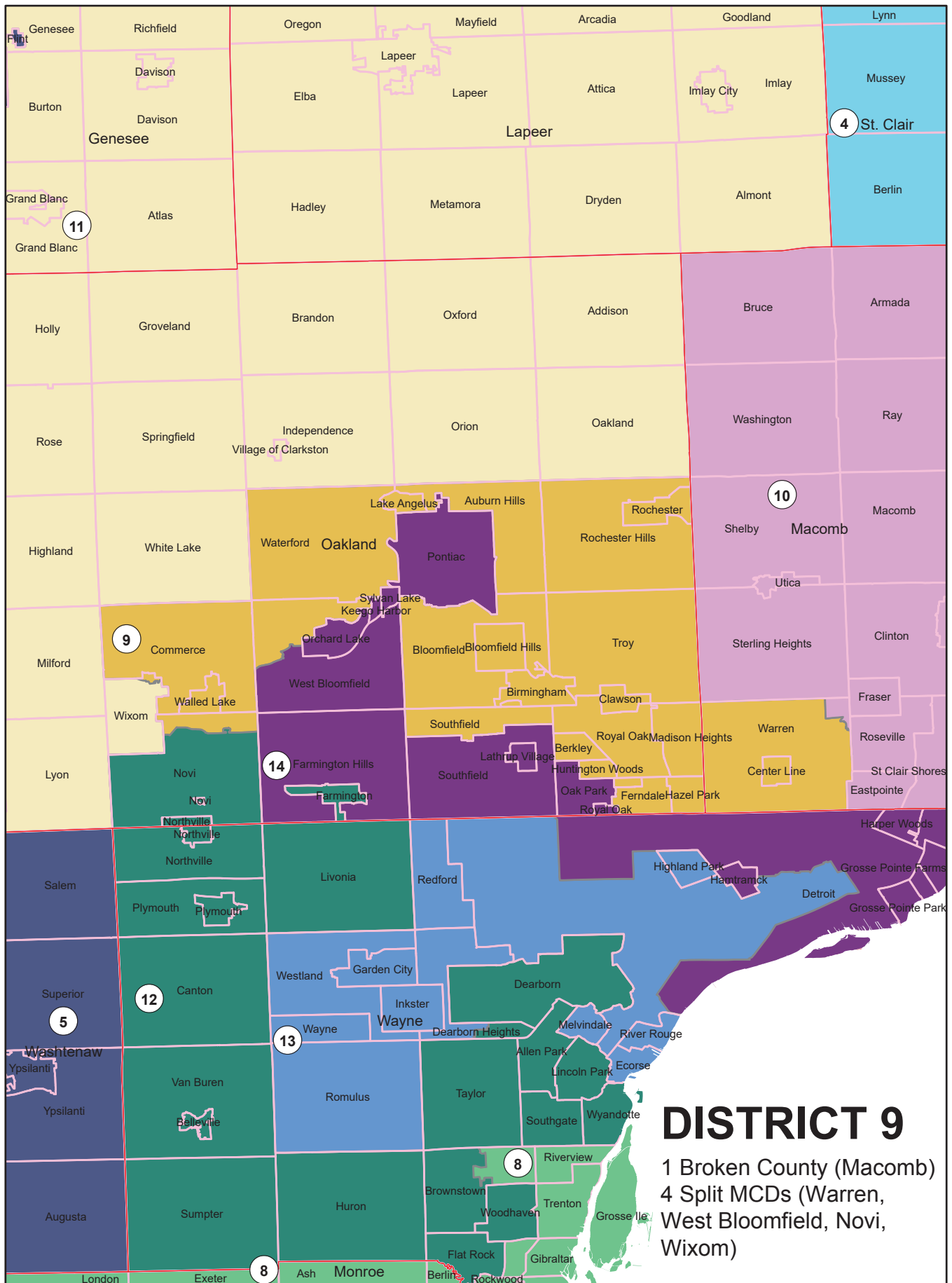


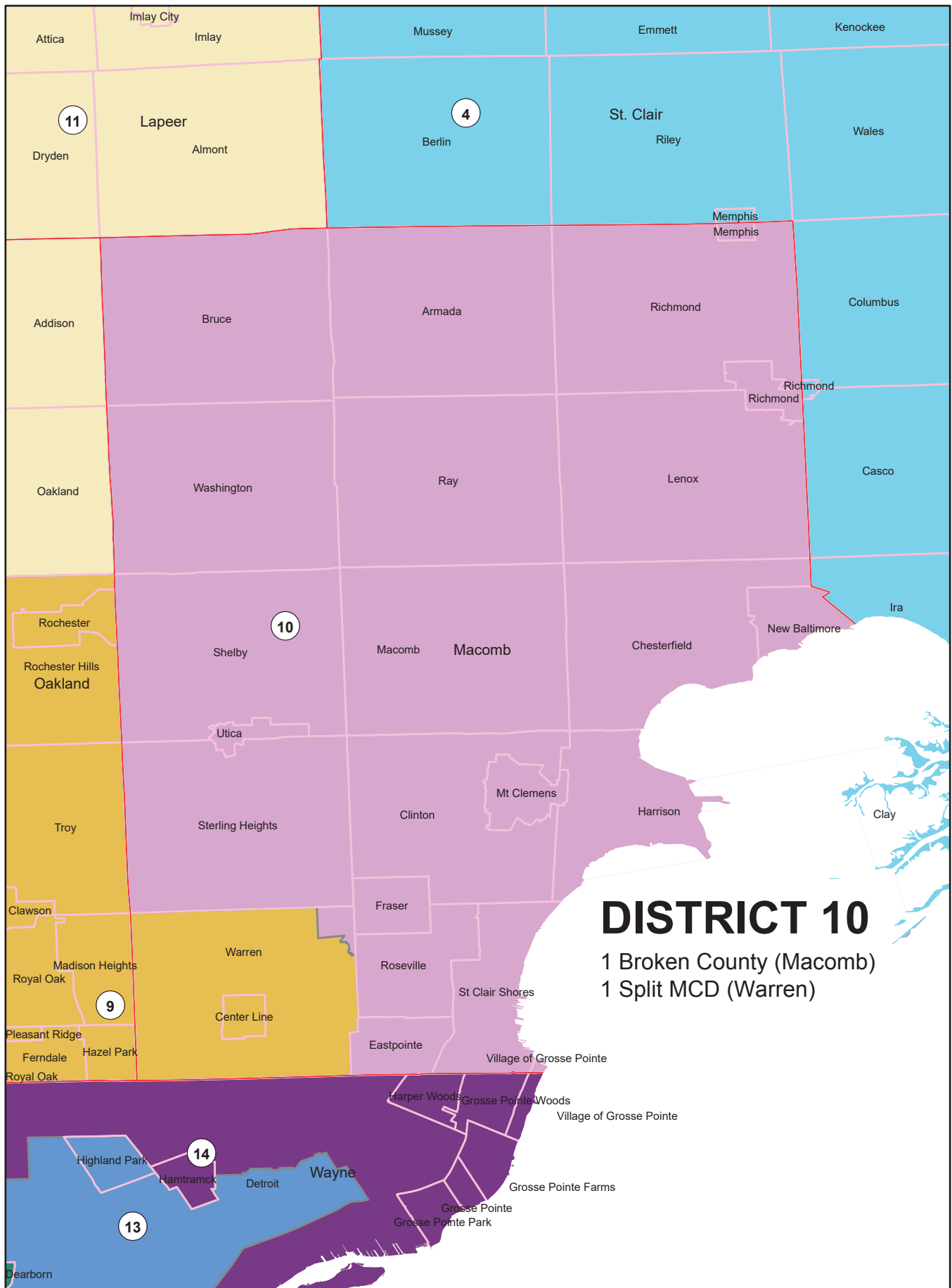
3 Broken Counties (Isabella, Kent, Saginaw)
1 Split MCD (Thomas Township)

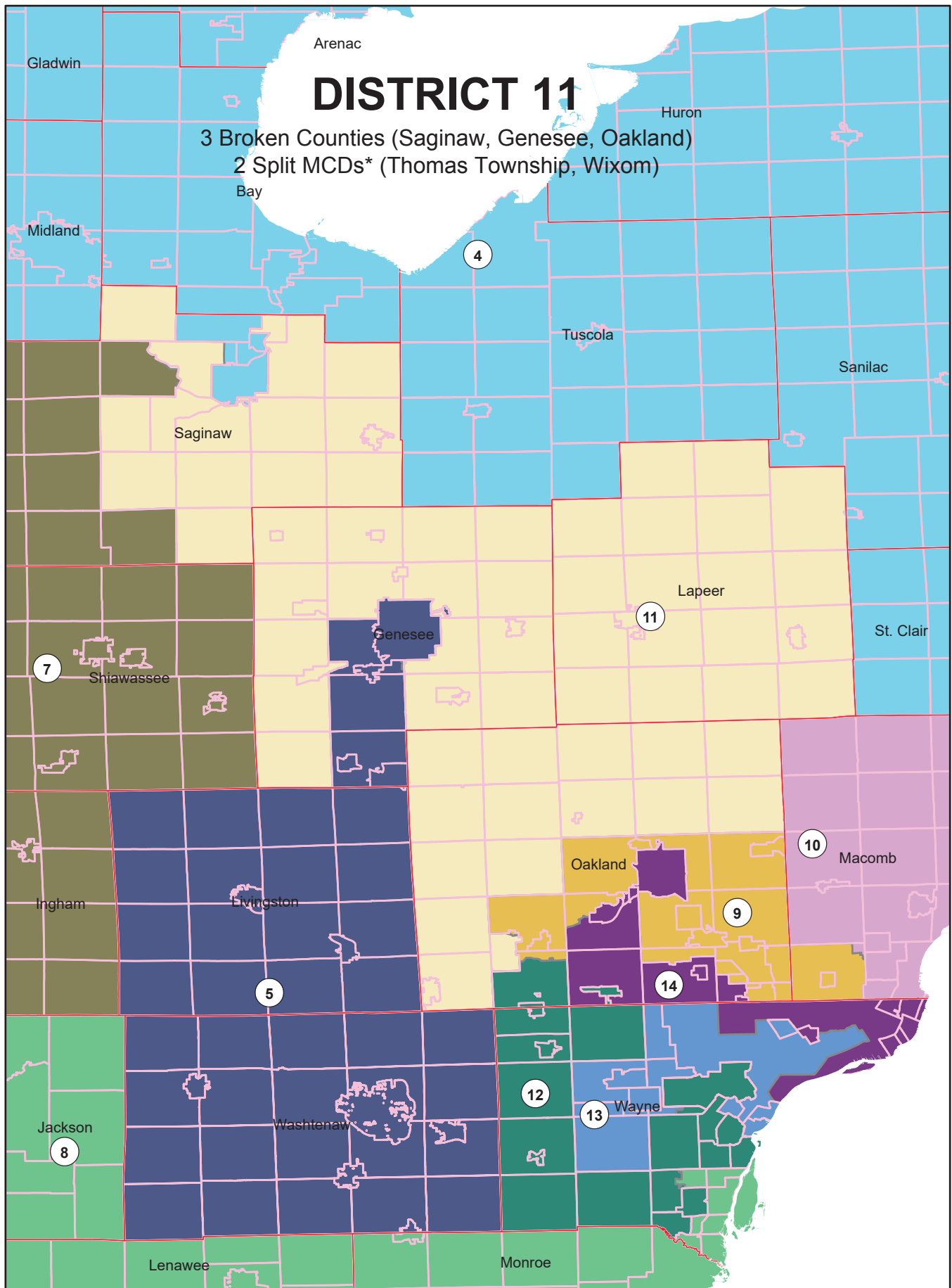


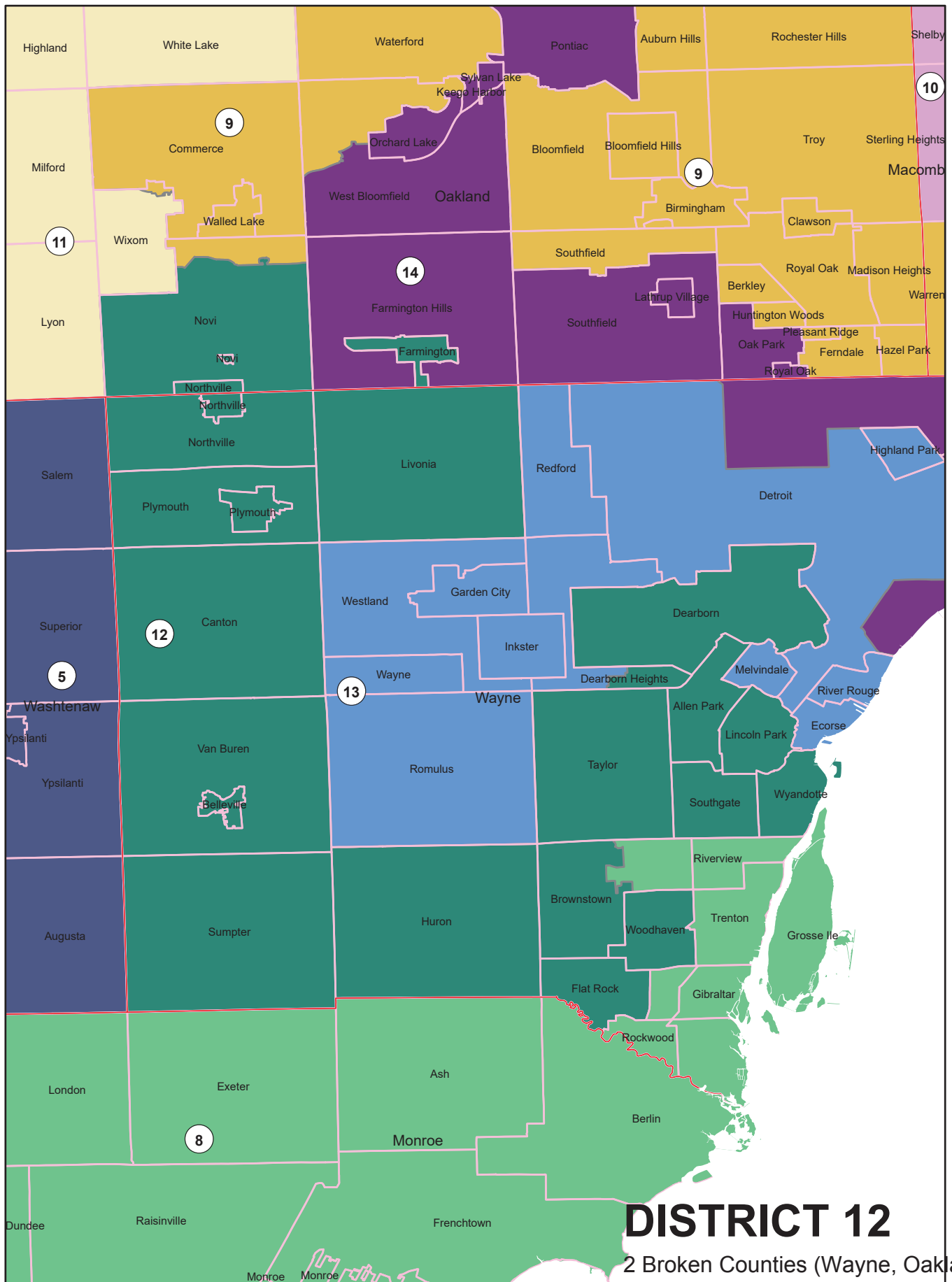
DISTRICT 8

2 Broken Counties (Kalamazoo, Wayne)
1 Split MCD* (Climax Township)









DISTRICT 12

2 Broken Counties (Wayne, Oakland)

2 Split MCDs* (Novi, Dearborn Heights)

